



**Belmont House, 57 Belmont Road, Cambuslang, G72 8PG**  
**www.wwhc.org.uk E: enquiries@wwhc.org.uk T: 0141 641 8628**

<b>Policy Name</b>	<b>Flexible Working Policy</b>
<b>Policy Author</b>	<b>Director</b>
<b>Approved by Sub Committee</b>	<b>N/A</b>
<b>Approved by Management Committee</b>	<b>April 2024</b>
<b>Latest date of Next Review</b>	<b>April 2029</b>

West Whitlawburn Housing Co-operative will provide this policy on request at no cost, in larger print, in Braille, in audio or other non-written format, and in a variety of languages. Please contact the office.



**Registered with the Scottish Housing Regulator No. 203**  
**Registered Charity No. SCO38737, VAT Registration No. 180223636**  
**Registered society under the Co-operative and Community Benefit Societies Act 2014**

## **1. Introduction**

West Whitlawburn Housing Co-operative (WWHC) recognises that introducing a Flexible Working Policy will help to ensure compliance with the right to request flexible working brought in by the Employment Act 2002 and Work and Families Act 2006. The policy has also been introduced to help ensure equality and fairness throughout the process and aid employees work life balance. Employees have the right to request changes to their working hours or place of work under the statutory right in the Employment Rights Act 1996 to request flexible working.

## **2. Background**

WWHC believes its staff members are its most valuable asset and is committed to attracting and retaining the very best and utilising all talent and experience available. WWHC understands that it is important for staff members to establish a work – life balance as many individuals have personal responsibilities outside from work. Flexible work may allow more freedom for employees to organise their employment to fit in with other parts of their life.

## **3. Legal Framework**

### Employment Rights Act 1996

In August 1996 the Employment Rights Act was introduced to set out statutory employment rights of workers and employees.

### Employment Act 2002

In April 2003 the Employment Act introduced the right for parents of young and disabled children to apply to work flexibly in order to strike a better balance between their home and work responsibilities.

### Work and Families Act 2006

The Act builds on the right to request flexible working introduced in April 2003. The Work and Families Act extends this right to include

employees who care for or expect to care for adults.

#### Flexible Working Regulations 2014

These regulations further extend the right to request flexible working to employee's who have 26 week's continuous service with an employer.

#### Employment Relations (Flexible Working) Act 2023

These regulations reduced the waiting time to make a flexible working request from 26 weeks employment to a day one right as well as allowing for 2 requests to be made in a 12 month rolling period and reducing the time to respond from 3 months to 2 months.

### **4. Policy Principles**

- The policy has been produced to ensure compliance with WWHC's legislative requirements.
- Aims to provide workers with the opportunity to request to change their standard working arrangements to strike a better balance between their home and work responsibilities and for WWHC to retain talent and skills in the workforce and react effectively to changing market conditions.
- Details the flexible working procedure that must be followed and provides standard letter templates and forms to use.
- Is only applicable when the employee instigates the request to work flexibly (and not when it is instigated by the employer).
- Re-emphasises a desire to create a good place to work for everyone by aiming to retain skills and experience and adapting to changes in society.

### **5. Eligibility**

Under provisions set out in the Employment Rights Act 1996 every employee has a right from day one of employment to request a change to their contractual terms and conditions of employment. An employee has the right to make 2 flexible working requests within a rolling 12-month period.

5.1 To be eligible, staff members must:

- Be an employee.
- Not be an agency worker.
- Not have made more than 2 applications to work flexibly under the right during the past 12 months.

## **6. Types of Flexible Working**

Some examples of flexible working are documented below, however please note this list is not exhaustive.

### 6.1 Part time working

A system whereby the employee is contracted to work fewer than the standard full-time hours. There are many variations to part time working such as later start or earlier finish times, afternoons or mornings only and fewer working days in the week.

### 6.2 Job-sharing

An arrangement whereby two part time (or occasionally more) employees share the responsibility of a position. In a 'shared responsibility' arrangement the individuals both carry out all the duties of the job simply by picking up the work where the other employee left off. A 'divided responsibility' arrangement is when the duties of the position are divided between the two individuals, with each being able to provide cover for the other as and when necessary.

### 6.3 Term time working

The employee remains on a permanent contract but can take unpaid leave of absence as agreed.

### 6.4 Working from home

An approach whereby an employee carries out a proportion of his/her duties from home rather than on WWHC premises.

## 6.5 Compressed Hours

A system permitting employees to work their total number of contractual hours over fewer working days. For example, a five-day working week may be compressed into four days.

## 6.6 Other

When considering a request for flexible working there may be other solutions such as sabbaticals and flexi time however employers are not obliged to offer these.

## **7. Flexible Working Procedure**

WWHC aims to deal with requests as soon as possible and within 2 months of first receiving the request, including any appeal.

If for some reason the request cannot be dealt with within the 2-month period, then the employer can extend this time limit provided the staff member agrees.

### 7.1 Application for flexible working

To apply for flexible working, employees need to follow the steps below:

- Apply in writing.
- State the date of the application, the change to working conditions the employee is seeking and when they would like this change to come into effect.
- State that it is a statutory request.
- State whether a previous application has been made to WWHC and the date of the application.
- Sign & date it.

### 7.2 Once the request is received

If employers are happy to accept the change requested, they can confirm it in writing without a need for a meeting. Alternatively, a

meeting should be arranged.

### 7.3 The Meeting

- Employee will be invited to a meeting in writing and informed they can be accompanied by a fellow employee or trade union .
- At the meeting, the employee's proposal will be discussed.
- If the employee's proposal is not suitable to the business, alternative solutions will be discussed.
- If an employee fails to turn up for a meeting without prior notification on more than one occasion and fails to provide a satisfactory explanation, WWHC will treat the application as withdrawn. This will be confirmed in writing informing the employee this will constitute one of their statutory 2 flexible working requests they have a right to make in a rolling 12 month period.
- After the meeting the manager will inform the employee of their decision in writing, along with all details of the change.

### 7.4 Flexible working Acceptance

- Once both sides have agreed to the changes requested. Or an agreed variation of the request, a permanent variation of the employee's terms and conditions will be issued. The employee has no automatic right to return to the original arrangement.
- A trial period for a specified time may be applicable to establish if the new arrangement is suitable for the needs of the business. This will be confirmed in writing following the meeting and acceptance.

### 7.5 Flexible working rejection

If the employee's application is declined, it will be confirmed in writing, specifying the business reasons for rejection.

One (or more) of the following reasons may apply:

- Burden of additional cost

- Inability to reorganise work amongst existing staff
- An inability to recruit additional staff
- A detrimental impact on quality
- A detrimental impact on performance
- Detrimental effect on ability to meet customer demand
- Insufficient work for the periods the employees proposes to work
- A planned structural change to the business.

## 7.6 Withdrawal of application

WWHC can treat an application as withdrawn under the statutory provisions where the employee has:

- Notified WWHC verbally or in writing, that the application is withdrawn.
- Without a reasonable explanation failed more than once to attend a meeting or appeal meeting
- Refused to provide WWHC with information required in order to assess whether the contract variation should be agreed to.

## 7.7 Appeal Process

An employee no longer has the automatic right to appeal but WWHC may consider hearing the appeal as best practice.

- The staff member can appeal against WWHC's decision to refuse an application.
- The appeal should be made in writing to a named manager of at least one level higher than the manager who made the original decision if possible and then a meeting will be held to discuss the appeal and any options available.
- The employee will be informed they can be accompanied to the meeting by a fellow employee or trade union representative of their choice
- After the meeting, the employee will be notified in writing, confirming the grounds for decision.

## **8. Responsibilities**

Both the employee and the employer have certain responsibilities within this procedure as follows below:

### 8.1 Employee's responsibilities

- To provide a careful thought out application.
- To ensure their application is valid by checking that all the eligibility criteria are met and that they have provided all necessary information.
- To ensure the application is made well in advance of when the change is proposed to take effect.
- To arrive at meetings on time and to be prepared to discuss their application in an open and constructive manner.
- If necessary, be prepared to be flexible themselves in order to reach an agreement with the employer.
- If the employee wishes to be accompanied by a representative, the employee must ensure that their representative can attend on the date proposed by the employer or an alternative date within the time frame previously stipulated

### 8.2 Employer's responsibilities

- To consider requests thoroughly and in good faith in accordance with the set procedure
- To deal with requests as quickly as possible and within 2 months.
- To decline a request only where there is a recognisable business ground and to explain to the employee why it applies
- To ensure that any variation of the procedure is agreed in advance with the employee and recorded in writing
- Not to subject an employee to detriment or dismissal for making a flexible working request.



## **9. General Data Protection Regulations**

The organisation will treat your personal data in line with our obligations under the current data protection regulations and our own Privacy Policy. Information regarding how your data will be used and the basis for processing your data is provided in WWHC's employee privacy notice.

## **10. Equalities**

We are committed to ensuring equal opportunities and fair treatment for all people in our work. In implementing this Policy, we will provide a fair and equal service to all people, irrespective of factors such as gender, race, disability, age, sexual orientation, language or social origin, or other personal attributes.

## **11. Review of Policy**

This policy will be reviewed every 5 years and in line with legislative updates.

## West Whitlawburn Housing Co-operative

### Equality Impact Assessment

<b>Name of Policy to be assessed</b>	Flexible Working Policy	<b>New policy or revision of existing?</b>	Revision
<b>Person(s) responsible for assessment</b>		S Marshall	
<b>Briefly describe the aims, objectives and purpose of the policy.</b>	The policy ensures WWHC will meet legislative requirements and workers have the opportunity to request to change their standard working arrangements and are aware of the procedure which should be followed.		
<b>Who is intended to benefit from the policy? (EG applicants, tenants, staff, contractors)</b>	Applicants for employment Staff members		
<b>What outcomes are wanted from this policy? (EG the measurable changes or benefits to members/ tenants / staff)</b>	To ensure good practice in line with legislative requirements.		
<b>Which groups could be affected by the policy? (note all that apply)</b>			
<b>Race</b>	X	<b>Gender</b>	X
<b>Sexual orientation</b>	X	<b>Gender reassignment</b>	X
<b>Age</b>	X	<b>Religion or belief</b>	X
<b>Marital status</b>	X	<b>Disability</b>	X
<b>Pregnant and Maternity</b>	X		
<b>If the policy is not relevant to any of the equality groups listed above,</b>			

<b>state why and end the process here.</b>		
N/A		
<b>Have those affected by the policy / decision been involved?</b>		
EVH Model Policy Management Committee; Staff meeting		
<b>Describe the likely positive or negative impact(s) that the policy could have on the groups identified above.</b>	<b>Positive Impact(s)</b>	<b>Negative Impact(s)</b>
	Effective implementation of the policy will ensure staff are aware of policy and procedure	If the policy is not implemented, WWHC may breach legal and regulatory requirements and be open to legal claims
<b>What actions are required to address the impacts arising from this assessment? (This might include: additional data, putting monitoring in place, making adjustments, taking specific action to mitigate any potentially negative impacts)</b>	Appropriate training	

Signed: Stephanie Marshall

Job Title: Director

Date: 21/03/2024

## Templates

### Flexible Working Application Form

**Note to the employee:**

You can use this form to make an application to work flexibly under the right provided in law.

It will help if you provide as much information as you can about your desired working pattern. It is important that you complete all the questions as otherwise your application may not be valid. Please give your completed form to your line manager.

**Employee Details**

*Name:*

*Date of Application:*

*Start Date:*

*Job Title:*

*Department:*

*Manager:*

*Current Hours worked per week:*

*Current Shift Pattern:*

*Previous Application Made & Date (if applicable)*

**Proposal**

*Please detail your proposal below, including your proposed working pattern, effective date of change, if the request is temporary or permanent. It would also be helpful for the organisations consideration of the request if you could detail the impact the request may have on the organisation and how you believe this could be remedied.*

**Name:** \_\_\_\_\_

**Signed:** \_\_\_\_\_

**Dated:** \_\_\_\_\_

DATE

NAME  
ADDRESS  
POSTCODE

Dear NAME

**Invitation To Meeting To Discuss Application For Flexible Working**

Further to your recent application requesting flexible working dated INSERT DATE, I am writing at this time to invite you to a meeting to discuss your request in detail.

The meeting will be held as follows:

**Date:**

**Time:**

**Location:**

**Person conducting:**

If you wish you may be accompanied at this meeting by a fellow employee or trade union representative of your choice. Please let me know in advance who will be attending with you.

I look forward to meeting with you.

Yours sincerely

INSERT NAME  
INSERT TITLE

DATE

NAME  
ADDRESS  
POSTCODE

Dear INSERT NAME

**Flexible Working Request Acceptance**

Further to your application for flexible working dated INSERT DATE and our subsequent meeting on INSERT DATE I am writing to inform you that your application for Flexible Working has been accepted.

Or

Further to your application for flexible working dated INSERT DATE and our subsequent meeting on INSERT DATE we discussed your request in depth and unfortunately your original request could not be accepted. However, following subsequent discussions an agreement was reached regarding an alternative solution and a variation of your contract has been accepted.

Your new working arrangement will be as follows:

- (insert all details of changes, hours, location, salary etc.)

Your new working arrangement will take effect from INSERT DATE.

All other terms and conditions will remain the same as per your contract dated INSERT DATE.

In anticipation of your confirmation of the above arrangement/s I have enclosed 2 copies of this letter. Please sign and date one copy and return it to INSERT DETAILS.

Yours sincerely

INSERT NAME  
INSERT JOB TITLE

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I accept the changes to my terms and conditions as documented above.

**Name:** \_\_\_\_\_  
**Dated:** \_\_\_\_\_

**Signed:** \_\_\_\_\_

## Refusal to accept application for flexible working

### Note to the employer

Before using the letter you must ensure that full consideration has been given to the application. You must state the business ground(s) as to why you are unable to agree to a new working pattern and the reasons why the ground(s) applies in the circumstances.

The list of the permissible business grounds under which a request may be refused are:

- Burden of additional costs
- Detrimental effect on ability to meet customer demand
- Inability to reorganise work among existing staff
- Inability to recruit additional staff
- Detrimental impact on quality
- Detrimental impact on performance
- Insufficiency of work during the periods the employee proposes to work
- Planned structural changes.

DATE

NAME

ADDRESS

POSTCODE

Dear INSERT NAME

### Outcome of Flexible Working Application

Following receipt of your application dated INSERT DATE and our subsequent meeting on INSERT DATE I have considered your request for a new flexible working pattern.

I am sorry but I am unable to accommodate your request on the following business ground(s):

- See above

Delete the ones that are not applicable

The grounds apply in the circumstances because:

- INSERT REASON

(You should explain why any other work patterns you may have discussed at the meeting are also inappropriate.)

If you are unhappy with the decision you may appeal against it in writing to INSERT DETAILS within five working days of receiving this letter.

Yours sincerely - INSERT NAME - INSERT TITLE

DATE

NAME  
ADDRESS  
POSTCODE

Dear INSERT NAME

### **Flexible Working Appeal Hearing Outcome**

Further to your application for flexible working, and your subsequent appeal meeting, I am writing to inform you that your appeal has been upheld which will result in a permanent change to your Terms and Conditions of Employment.

As agreed your new working pattern will be:

- INSERT ALL DETAILS OF CHANGES

Your new working arrangement will take effect from INSERT DATE

In anticipation of your confirmation of the above arrangement/s I have enclosed 2 copies of this letter. Please sign and date one copy and return it to (insert name of person letter should be returned to)

Yours sincerely

INSERT NAME  
INSERT JOB TITLE

---

I accept the changes to my terms and conditions as documented above.

**Name:** \_\_\_\_\_

**Signed:** \_\_\_\_\_

**Dated:** \_\_\_\_\_



DATE

NAME  
ADDRESS  
POSTCODE

Dear Name

**Flexible Working Appeal Hearing Outcome**

Further to your application for flexible working dated INSERT DATE and your recent appeal hearing on INSERT DATE, I am writing to inform you that your appeal has been rejected.

The reason for the decision is (INSERT DETAILS OF HOW THE DECISION HAS BEEN REACHED)

As a result there will be no changes to your current working arrangements and other terms and conditions.

EITHER – You have the right to make one further flexible working request from the date of the original request

OR

May I inform you that you have now exhausted your right to make a further flexible working request until INSERT DATE 1 YEAR FROM DATE OF FIRST REQUEST IF 2 HAVE BEEN MADE IN THE LAST 12 MONTHS,

Yours sincerely

INSERT NAME  
INERT JOB TITLE

## Withdrawal of Flexible Working Application

**Note to the employee**

*This template letter provides notification to your employer that you wish to withdraw your application for a flexible working arrangement. You have the right to make 2 requests in a rolling 12 month period so if this is your second request in 12 months you may not be able to make a further request for a period of time.*

Date

NAME

ADDRESS

POSTCODE

Dear INSERT NAME

### **Withdrawal of flexible working application**

I wish to withdraw my application to work flexibly which I submitted to you on INSERT DATE.

I understand that this will count towards my right to make 2 flexible working requests within a rolling 12 month period.

Yours sincerely

INSERT NAME

INSERT TITLE

DATE

NAME  
ADDRESS  
POSTCODE

Dear INSERT NAME

**Withdrawal Notification Acknowledgement**

Further to your recent application for a flexible working request, I am writing to inform you that your application for Flexible Working dated INSERT DATE is viewed as being withdrawn due to INSERT REASON FOR WITHDRAWAL AS SPECIFIED IN POLICY.

Please note this will count towards your right to make 2 flexible working requests within a rolling 12 month period.

Your sincerely

INSERT NAME  
INSERT JOB TITLE